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Patent Application
Client/Matter No.: 15771.0017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

GOTTFURCHT

Filed: January 13, 2004

Serial No.: 10/757,164

Group Art Unit: 3714

For: METHOD AND APPARATUS FOR
PLAYING VIDEO AND CASINO GAMES WITH
A TELEVISION REMOTE CONTROL

Examiner: C. B. Coburn

TRANSMITTAL LETTER

Mail Stop Petitions
Commissioner for Patents
Customer Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Sir:

Attached hereto is a PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND TO
CHANGE THE DATE OF THE DATE OF ABANDONMENT. No claim fee is required.

The Commissioner is hereby authorized to charge or credit any fee deficiencies or overpayments to
Deposit Account No. 19-4293 (Order No. 15771.0017).

Respectfully submitted,

Scott D. Watkins
Registration No. 36,715

Date: December 28, 2005

Steptoe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036
Telephone: (202) 429-6284
Facsimile: (202) 429-3902

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Applicant: Elliot A. GOTTFURCHT Group Art Unit: 3714

Serial No.: 10/757,164 Examiner: C. B. Coburn

Filed: January 13, 2004

For: METHOD AND APPARATUS FOR
PLAYING VIDEO AND CASINO GAMES
WITH A TELEVISION REMOTE CONTROL

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
AND TO CHANGE THE DATE OF ABANDONMENT**

Mail Stop Petitions
Commissioner of Patents
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

Applicants respectfully contend that the above-referenced application was improperly held as abandoned on November 3, 2005. Applicants petition under 37 CFR § 1.181 to request withdrawal of the holding of abandonment as of that date, and to change the abandonment date to November 4, 2005.

STATEMENT OF FACTS

The Examiner issued a final Office Action for the above-captioned case on December 2, 2004. (Exh A.) On April 4, Applicants filed a Notice of Appeal, a One Month Extension of Time (extending the response date to April 4, 2005 as April 2 was a Saturday), and

the corresponding fees. (Exh. B.) Pursuant to MPEP 1205.01 and 37 CFR § 1.136(a), these filings preserved the pendency of the above-captioned application through November 4, 2005.

On November 4, 2005, Applicants filed a five (5) month extension of time to formally extend the Appeal period to November 4, 2005. (Exh. C.) Applicants also on that same date filed a continuation application claiming priority to the instant application. Since the continuation was filed on the last day of the pendency period, the applications were properly co-pending as of the filing date of the continuation application.

On November 7, 2005, Applicants' representative received a Notice of Abandonment for the instant application. (Exh. D.) The Notice incorrectly sets the abandonment date at November 3, 2005, not November 4, 2005. As set forth above, this abandonment date is in error.

POINTS TO BE REVIEWED

Whether the instant application was properly held abandoned on November 3, 2005.

ACTION REQUESTED

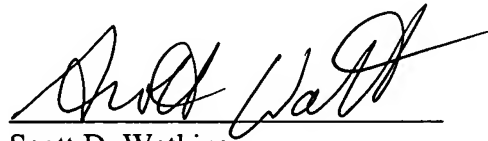
Applicants petition under 37 CFR § 1.181 to request withdrawal of the holding of abandonment as of November 3, 2005, and to change the abandonment date to November 4, 2005.

The relevant provisions of the MPEP and CFR establish the actual abandonment date of the instant application as November 4, 2005, and thus supercede the Examiner's error in issuing a Notice of Abandonment one day early. As such, the continuation application enjoys co-pendency as required by law. Nonetheless, out of an overabundance of caution, Applicants petition to have the error corrected by changing the Abandonment date from November 3, 2005 to November 4, 2005.

The instant petition is filed with two (2) months from the November 3, 2005 mailing date of the Notice of Abandonment from which relief is requested, and thus timely under 37 CFR § 1.181(f).

Since this petition is to correct a PTO error, no fee is believed due. If a fee is due, the Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 15771.0017).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Watkins", written over a horizontal line.

Scott D. Watkins
Registration No. 36,715

Date: December 28, 2005

Step toe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036
Telephone: (202) 429-3000
Facsimile: (202) 429-3902



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,164	01/13/2004	Elliot A. Gottfurcht	4346P001X4	3554
8791	7590	12/02/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

RECEIVED

DEC 06 2004

BLAKELY, SOKOLOFF TAYLOR & ZAFMAN LLP
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Date 3/2/2005 Client: Elliot Gottfurcht
Docket Initials HT 4346.P001x4
Dock. Sup. Initials HT
Atty Initials HT TMC JSM
Pat/Ser/Reg 757164 3 x
Description:

Response due final OA and possible appeal

12/7/2004 LA Docketing 350460

Date 3/2/2005 Client: Elliot Gottfurcht
Docket Initials HT 4346.P001x4
Dock. Sup. Initials HT
Atty Initials HT TMC JSM
Pat/Ser/Reg 757164 155 x
Description:

If advisory action or notice of allowance not received by today,
review file for possible filing of continuation application.

12/7/2004 LA Docketing 350462

Date 2/2/2005 Client: Elliot Gottfurcht
Docket Initials HT 4346.P001x4
Dock. Sup. Initials HT
Atty Initials HT TMC JSM
Pat/Ser/Reg 757164 4
Description:

Two months since final oa was mailed

12/7/2004 LA Docketing 350461

Date 2/23/2005 Client: Elliot Gottfurcht
Docket Initials HT 4346.P001x4
Dock. Sup. Initials HT
Atty Initials HT TMC JSM
Pat/Ser/Reg 757164 156
Description:

Reminder, review file for possible filing of continuation application
if advisory action or notice of allowance not received by 03/02/2005.

12/7/2004 LA Docketing 350463

ENTERED
DEC 07 2004
STATUS

Office Action Summary	Application No. 10/757,164 ✓	Applicant(s) GOTTFURCHT, ELLIOT A.	
	Examiner Corbett B. Coburn	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-17 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>23/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Applicant's Formal Drawings have been received, but have not been scanned into the file. Therefore, Examiner cannot approve the drawing changes. Examiner suggests Applicant submit copies of the formal drawings on paper instead of Bristol board so that the drawings can be scanned into the file.

Claim Interpretation

2. As pointed out in the previous office action, Applicant's claims are extremely broad. Examiner informed Applicant that some of the claims are so broad that they border on the indefinite. In the interest of prosecution, Examiner did not reject these claims under 35 USC §112. Instead, Examiner interpreted the claims to the best of his ability while, at the same time, urging Applicant to narrow the claims to more closely reflect Applicant's invention.

3. Examiner then pointed to claim 10 as a particularly egregious example of a claim that could have been rejected under 35 USC §112. In spite of Examiner's clear warning, Applicant declined to amend the claims and argued that if the claim was unclear it should have been rejected under 35 USC §112. Examiner has no choice but to make such a rejection. Since Applicant was put on notice that the claim was defective and could have been rejected under 35 USC §112, Examiner will make this rejection final.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3714

5. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a web interface, does not reasonably provide enablement for a simplified web interface. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Applicant has failed to describe the manner in which the web interface can be said to be “simplified”. Applicant argues that it is simplified in comparison to Microsoft Internet Explorer, but the specification fails to mention that product – much less describe any ways in which applicant’s invention is simpler.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 recites, a “simplified navigation interface”. It is unclear how this is simplified. Simplified compared to what? Applicant argues that it is simplified compared to Microsoft Internet Explorer, but the specification fails to mention Internet Explorer. In fact that is nothing in the claims, specification, or arguments explain just how this navigation interface is “simplified”. It is simplified because it has fewer buttons? Or maybe because the fonts are easier to read. Or perhaps it is simplified because it has hotkeys that are easier to remember. There are hundreds – possibly thousands – of ways to “simplify” a web browser compared to Microsoft Internet Explorer. Applicant’s claims fail to delineate which of these “simplifications” Applicant intends to claim as his own. Thus the metes and bounds of Applicant’s claim are unclear.

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Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3-5, 7-14, 16 & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Xidos et al. (US Patent Number 5,851,149).

Claims 1, 9, 14: Xidos teaches displaying a web based game and receiving control input for the game from a television remote control. (Abstract) Xidos teaches that the network used the Internet protocol, therefore the games are web-based. The network described by Xidos is either the Internet or its equivalent.

Claims 3, 10, 16: Xidos teaches displaying a set of web-based games as navigation options. The player must have a means of choosing the game. Presumably, these navigation options could be more complex than they are, so they are “simplified” by comparison to some hypothetical “convoluted” navigation interface.

Claims 4, 13, 17: Xidos teaches receiving control input from a second television remote control. Fig 2 shows a large number of rooms (50) that may participate in playing the game. In each case, the input is provided by a remote control. Thus there is at least a second remote control providing input.

Claims 5, 11: The game is a gambling game. (Abstract)

Claim 7: Xidos teaches providing a game matching service to a user – the user chooses a game and is matched to that game.

Claim 8: The game control input is unique input – it is provided by each person and will, therefore, be unique to that individual.

Claim 12: Xidos teaches displaying the game remotely at a second location on a second television. Fig 2 shows a large number of rooms (50) that may participate in playing the game.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xidos as applied to claim 1 or 14 in view of Handelman et al. (US Patent Number 6,312,336).

Claims 2, 15: Xidos teaches the invention substantially as claimed. Xidos teaches displaying a set of game control options (i.e., game selection, betting and game play inputs), but does not specifically teach displaying a set of game control options in a matrix format. The arrangement of the game control options on the screen is a matter of aesthetic design choice for which no stated problem is solved, or unexpected result obtained, by using the specific arrangement of controls on the screen claimed versus the arrangement of controls on the screen taught by the prior art. Furthermore, matters of aesthetic design cannot patentability distinguish over the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Be that as it may, however, Handelman explicitly teaches displaying a set of game control options in a matrix format. (Figs 2A-E)

Arranging control options in a matrix format makes them easier to find and understand.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Xidos in view of Handelman to display a set of game control options in a matrix format in order to make them easier to find and understand.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xidos as applied to claim 1 above, and further in view of How to "Know When Your Buddies Are Online" (AOL, 1997).

Claim 6: Xidos teaches the invention substantially as claimed, but does not teach tracking the online status of a group of individuals designated by a user. Xidos teaches using Internet protocols as the basis for the disclosed system. A chat feature is a well-known feature of the Internet. Providing a chat feature is known to foster a sense of camaraderie that increases the use of a gaming system. (See Falciglia (US Patent Number 5,935,002) which is made of record but not relied upon.) As a part of providing a chat feature, it is well known to track the online status of a group of individuals designated by a user. AOL's Instant Messenger application implemented this not later than 1997. This allows the user to determine if the people he wants to chat with are available. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Xidos in view of the well known state of the art with regard to chat features (as described in "How to Know When Your Buddies Are Online") in order to allow the user to determine if the people he wants to chat with are available, thus fostering the chat feature that is known to attract players.

Response to Arguments

13. Applicant's arguments filed 16 August 2004 have been fully considered but they are not persuasive.

14. Applicant argues that Xidos does not teach the Internet. But Xidos teaches using the Internet protocol. Thus the network taught by Xidos is equivalent to the Internet. Thus the rejection under 35 USC §102 is proper. Note that a network that is equivalent to the Internet does not have to be part of the Internet.

15. Applicant argues that Examiner contradicts himself by stating that the layout of game control options on a screen is a matter of design choice and showing that it is well known to arrange control options in a matrix. There is no contradiction. Examiner could easily provide art that arranges game control options in a myriad of different configurations on a screen. Examiner is merely stating that it makes no difference where the control options are located, they function the same way. While not required, Examiner provided art that shows control options arranged in a matrix. Xidos teaches a game that has control options. Handelman teaches arranging control options in a matrix on the screen. The reasons for making the combination are stated above.

16. Applicant argues that, "The Examiner must establish that the cited references provide a motivation to combine." This is, of course, a misstatement of the law. The law actually is that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (Emphasis added.) See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Art Unit: 3714

Examiner supplied art (Falciglia) that taught the desirability of including a chat feature in a gambling device. Falciglia is knowledge generally available to one of ordinary skill in the art.

Conclusion

✓
17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). ✓

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

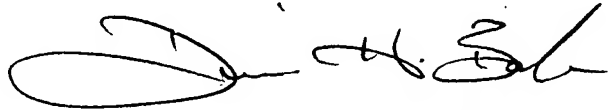
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cbc



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** **of** **1**

Complete if Known

Application Number	10/757,164
Filing Date	January 13, 2004
First Named Inventor	Elliot A. Gottfurcht
Art Unit	3714
Examiner Name	Corbett B. Coburn
Attorney Docket Number	4346P001X4

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date _____

Considered

29 Nov 04

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Based on PTO/SB/08A (08-03) as modified by Blakely, Solokoff, Taylor & Zaiman (wtr) 08/11/2003.

Send To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Fixed Fee
ENTERED
E#732

Inventor: Elliot A. GOTTFURCHT

Atty Docket No.: 578962000123

Application No.: 10/757,164

Filing Date: January 13, 2004

Title: METHOD AND APPARATUS FOR PLAYING VIDEO AND CASINO GAMES
WITH A TELEVISION REMOTE CONTROL

Documents Filed:

TRANSMITTAL (1 page)

FEE TRANSMITTAL (1 page)

PETITION FOR EXTENSION OF TIME - 1 month (1 page)

NOTICE OF APPEAL (1 page)

DOCKETED



Via: PTO DAILY RUN

Sender's Initials: JMD6/ntd2

Date: April 4, 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
FY 2005**

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

578962000123

Application Number

10/757,164

Filed

January 13, 2004

For **METHOD AND APPARATUS FOR PLAYING VIDEO AND CASINO GAMES WITH A TELEVISION
REMOTE CONTROL**

Art Unit 3714

Examiner

C. B. Coburn

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ 60.00
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$

☒ Applicant claims small entity status. See 37 CFR 1.27.☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 03-1952

I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).☐ attorney or agent of record. Registration Number _____☒ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

54,063

Signature

April 4, 2005

Date

James M. Denaro

Typed or printed name

(703) 760-7739

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



Total of

1

forms are submitted.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

578962000123

In re Application of
Elliot A. GOTTFURCHTApplication Number
10/757,164

Filed

January 13, 2004

For METHOD AND APPARATUS FOR PLAYING VIDEO AND
CASINO GAMES WITH A TELEVISION REMOTE CONTROLArt Unit
3714

Examiner

C. B. Coburn

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown
above is reduced by half, and the resulting fee is:

\$ 250.00

☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director has already been authorized to charge fees in this application to a Deposit Account.
I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to
Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant /inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)☐ attorney or agent of record.

Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.Registration number if acting under 37 CFR 1.34. 54,063
SignatureJames M. Denaro
Typed or printed name

(703) 760-7739

Telephone number

April 4, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.☐ *Total of 1 forms are submitted.



UNITED STATES PATENT AND TRADEMARK OFFICE

57896-20001.23

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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Imp/NTD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,164	01/13/2004	Elliot A. Gottfurcht	4346P001X4	3554
25227	7590	11/03/2005		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102				
			EXAMINER COBURN, CORBETT B	
			ART UNIT 3714	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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NOV 7 - 2005

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DOCKETED

Continuation Filed 11/4/05

57896-20001.06

Notice of Abandonment

Application No.

10/757,164

Examiner

Corbett B. Coburn

Applicant(s)

GOTTFURCHT, ELLIOT A.

Art Unit

3714

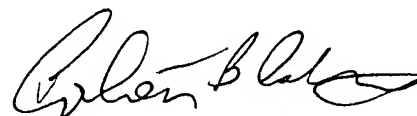
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 01 December 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 04 February 2005, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Atty Docket No.: 578962000123

Inventor: Elliot A. GOTTFURCHT

Application No.: 10/757,164

Filing Date: January 13, 2004

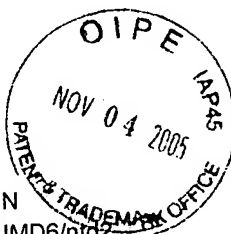
Title: METHOD AND APPARATUS FOR PLAYING VIDEO AND CASINO GAMES
WITH A TELEVISION REMOTE CONTROL

Documents Filed:

TRANSMITTAL (1 page)

FEE TRANSMITTAL (1 page)

PETITION FOR EXTENSION OF TIME - 5 months (1 page)



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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
FY 2005

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

578962000123

Application Number

10/757,164

Filed

January 13, 2004

For

METHOD AND APPARATUS FOR PLAYING VIDEO AND CASINO GAMES WITH A TELEVISION
REMOTE CONTROL

Art Unit

3714

Examiner

C. B. Coburn

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below)

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ 1,080.00

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, Deposit Account Number 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

☐ Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ attorney or agent of record. Registration Number _____

☒ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

54,063

Signature

November 4, 2005

Date

James M. Denaro

Typed or printed name

(703) 760-7739

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐

Total of

1

forms are submitted.

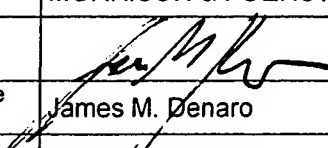
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/757,164	
	Filing Date	January 13, 2004	
	First Named Inventor	Elliot A. GOTTFURCHT	
	Art Unit	3714	
	Examiner Name	C. B. Coburn	
Total Number of Pages in This Submission	3	Attorney Docket Number	578962000123

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	James M. Denaro		
Date	November 4, 2005	Reg. No.	54,063

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